

ORIGINAL

FILED
DISTRICT COURT OF GUAM

APR 01 2008 ^{HC}

JEANNE G. QUINATA
Clerk of Court

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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EUN YOUNG LEE,
aka Eun Young Cho, aka Ina Lee,
MARCELINO J. LASERNA,
JOHN W.C. DUENAS,
MARY C. GARCIA,
JOSEPH PANGELINAN,
FRANCISCO SN KAWAMOTO, and
MARGARET B. UNTALAN,

Defendants.

CRIMINAL CASE NO. 08-00004

UNITED STATES NOTICE TO COURT
CONCERNING DISCOVERY PRESENTLY
MADE TO THE DEFENSE


A question arose during the March 31, 2008, continuance hearing, whether the United States had provided various defense counsel with indexed discovery. Attached hereto is Exhibit 1, the basic discovery letter which went out to all counsel. As the letter reflects, all the government's documents were bate-stamped, scanned onto a disc, and delivered to counsel. In addition, the government included an overview of the case, and an indexed guide to the various sections of the discovery. It provided the government's own work product, a comprehensive

1 summary of the data, and an explanation as to how to read the data in the summary. As well, it
2 provided color copies of the relevant IRS ITIN letter, and an example of what the new ITIN
3 letters look like if they are photocopied. Short of explaining the significance of each individual
4 document, the government does not see what more it can do to make the case explicable to the
5 defense.

6 As the letters attached hereto, dated March 3, and March 12, 2008, demonstrate, the
7 government is providing on-going discovery as the various individuals who purchased these
8 licenses get arrested and plead guilty, as required by Brady. As well, the government is
9 providing counsel with the FBI 302 reports, which it is not required to do under Rule 16.

10 Respectfully submitted this 1st day of April 2008.

11 LEONARDO M. RAPADAS
12 United States Attorney
13 Districts of Guam and NMI

14 By: 
15 KARON V. JOHNSON
16 Assistant U.S. Attorney
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Johnson, Karon (USAGU)

From: Golden-Bouk, Ginger (USAEO)
Sent: Tuesday, April 01, 2008 5:19 AM
To: Adler, Jon (USANYS); McClellan, Marsha (USAILN); Roller, Andrea (USAMA); Cream, Anita (USAFILM); Benson, Alexander (USANJ); Bladel, Mike (USAIAS); Murchland, Robert (USAOHS); Pires, Brian (USARI); Carter, David (USATXE); McLoughlin, Charles (USAOKN); Clark, Carla (USAMSS) 3; Cole, Jerry (USAWVS); Linn, Courtney (USACAE); david.crews@usdoj.gov; Blink, Daryl (USALAM); Miller, David P. (USAVAE); Barnett, Debra (USAKS); Decker, Eileen (USACAC); Laborde, Desiree (USAPR); Templeton, Duncan (USADC); Grogan, Frances (USAMD); Flanders, James (USASD); Mattsson, James (USAVT); jerold.sorocki@usdoj.gov; Beninati, Jodi (USALAE); Stutler, Joe (USANCE); john.childress@usdoj.gov; DeLaGarza, John (USATXN); Marsh, John E. (USAPAM); Sizemore, Joyce (USAWVN); Seston, Judy (USAWIW); Barrows, Julie (USAMN); Johnson, Karon (USAGU); Laird, Kathleen (USACAN); Kenst, Gary (USAOHN); Kluck, Larry (USATNE); Larru, Christine (USAARW); Zach, Laura (USANCW); George, Lauren (USAGAN); Canary, Leura G. (USAALM); Sellars, Lew (USAFILS); Nelson, Lori (USAMOW); HofflerPage, Mable (USACT); John, Mark (USANE); Bennett, Michael (USAKYW); Smith, Norman R. (USAILS); Marciano, Paul (USATXS); Condon, Paul (USANYN); Carnell, Becky (USAWAW); Lesser, Rebecca (USANE); McLaughlin, Roger (USAGAS); Wheeler, Ronald (USANYW); Cira, Salvatore (USAMOE); Vogel, Sarah (USAWAW); Hanson, Shannon (USADE); Podolak, Stephanie (USACO); Brown, Stewart (USAGAM); Ellis, Tammy (USAALN); Barry, Theodore (USAME); thomas.colantuono@usdoj.gov; Voter, Todd (USAIAN); Flanagan, William (USALAW)
Cc: Averette, Wytina
Subject: RE: Incorrect zip codes (please read)

Per the e-mail below from FinCEN, please hold off as EOUSA is working on a response this request. For those who may have already responded to FinCEN, thank you for your assistance.

Ginger

Ginger R. Golden-Bouk
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Legal Initiatives Staff
Executive Office for the U.S. Attorney's
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Washington, DC 20530
TEL: (202) 514-4943
FAX: (202)353-3349
E-mail: ginger.golden-bouk@usdoj.gov
LEO: ggoldenb@leo.gov
SIPR: ginger.golden-bouk@usdoj.gov

From: Averette, Wytina [mailto:wytina.averette@fincen.gov]
Sent: Monday, March 31, 2008 3:03 PM
To: Golden-Bouk, Ginger (USAEO); Adler, Jon (USANYS); McClellan, Marsha (USAILN); Roller, Andrea (USAMA); Cream, Anita (USAFILM); Benson, Alexander (USANJ); Bladel, Mike (USAIAS); Murchland, Robert (USAOHS); Pires, Brian (USARI); Carter, David (USATXE); McLoughlin, Charles (USAOKN); Clark, Carla (USAMSS) 3; Cole, Jerry (USAWVS); Linn, Courtney (USACAE); david.crews@usdoj.gov; Blink, Daryl (USALAM); Miller, David P. (USAVAE); Barnett, Debra (USAKS); Decker, Eileen (USACAC); Laborde, Desiree (USAPR); Templeton, Duncan (USADC); Grogan, Frances (USAMD); Flanders, James (USASD); Mattsson, James (USAVT); jerold.sorocki@usdoj.gov; Beninati, Jodi (USALAE); Stutler, Joe (USANCE); john.childress@usdoj.gov; DeLaGarza, John (USATXN); Marsh, John E. (USAPAM); Sizemore, Joyce (USAWVN); Seston, Judy (USAWIW); Barrows, Julie (USAMN); Johnson, Karon (USAGU); Laird, Kathleen (USACAN); Kenst, Gary (USAOHN);

Kluck, Larry (USATNE); Larru, Christine (USAARW); Zach, Laura (USANCW); George, Lauren (USAGAN); Canary, Leura G. (USAALM); Sellars, Lew (USAFLS); Nelson, Lori (USAMOW); HofferPage, Mable (USACT); John, Mark (USANE); Bennett, Michael (USAKYW); Smith, Norman R. (USAILS); Marciano, Paul (USATXS); Condon, Paul (USANYN); Carnell, Becky (USAWAW); Lesser, Rebecca (USANE); McLaughlin, Roger (USAGAS); Wheeler, Ronald (USANYW); Cira, Salvatore (USAMOE); Vogel, Sarah (USAWAW); Hanson, Shannon (USADE); Podolak, Stephanie (USACO); Brown, Stewart (USAGAM); Ellis, Tammy (USAALN); Barry, Theodore (USAME); thomas.colantuono@usdoj.gov; Voter, Todd (USAIAN); Flanagan, William (USALAW)

Subject: Incorrect zip codes (please read)

Importance: High

Hello, I am the point of contact for all of the US Attorney's offices at Financial Crimes Enforcement Network (FinCEN). The purpose of this e-mail is not only to introduce myself to those I have not spoken to, but also to bring to your attention a serious issue that FinCEN is trying to resolve.

FinCEN was recently made aware of web Currency and Banking Retrieval System (CBRS) user's being given incorrect zip codes that was to be consistent with cities that fall within specific USAO district jurisdictions. FinCEN is vigorously trying to resolve this issue but we need your help. If possible, it would be appreciated if a list of cities that fall within your district (and the zip code that is assigned to it) be sent to me via e-mail. A few USAO's have provided this to me and it has been a big help. If this message has been sent to you in error, please forward to the responsible party in your office or let me know to whom I should be in contact with.

If there are any questions regarding this issue or the submission of 5081 forms, please feel free to send me an e-mail or I may be contacted at the number below. Thank you.

Wystina K. Averette
Department of the Treasury
Financial Crimes Enforcement Network (FinCEN)
(703)905-3685 office
(703)905-3755 fax



U.S. Department of Justice

United States Attorney
District of Guam

Sirena Plaza, Suite 500
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February 15, 2008

Richard Arens
Federal Public Defender's Office
Suite 501, FHB Bldg.
400 Rte 8
Maite, Guam 96910

Re United States v. Eun Young Lee, Cr. No. 08-00004

Dear Richard,

I am enclosing the applicable discovery in this matter, bate-stamped and organized by category, on discs. As you know, we arrested your client in 2005 after the FBI paid her \$1,000 to secure two fake Guam drivers licenses for two people working undercover for us. For years we have known that aliens on Guam have been able to pay to secure Guam driver's licenses. Lee was employed by UOG to administer the Korean MVD written test; UOG has a contract with MVD to provide these services.

When Lee was arrested, she denied securing drivers licenses for anyone, then admitted the two we had (after we showed her pictures of the delivery of cash in the Bank of Guam parking lot), then finally admitted she had secured "a few" more for people. She refused to name the MVD officials who were helping her and denied paying anyone money. She said she was friends with the MVD personnel, and they were doing this for free kim chee. We dismissed the indictment against her, and advised her that she could expect another indictment, this time listing all the people for whom she had secured Guam drivers licenses.

She gave our informant, Chun (#20) the false IRS Taxpayer Identification Number (TIN) letter which she used to secure Chun's license. MVD regulations require that all such documents be originals; Lee used a xeroxed copy, with a false TIN assigned to our informant. We did a run through MVD for all drivers licenses issued from 2001-2005 which had been issued using TINs as identification. We knew that all federal TINs are in a particular format: xxx-70-80-xxxx,. That is, the fourth and fifth number will always be a number between 70 and 80. We submitted 34 suspect numbers to IRS, which confirmed they were false. These first 34 people are numbered 1-34 in our records.

EXHIBIT 1

You will see that part of the MVD printout provided to us listed the applicant's phone number and address. Many of the addresses appeared suspect. For example, a lot of people seemed to be living at variations of A-108 Airport Way, with PO Box 11846 as a mailing address. PO Box 11846 is Eun Young Lee's personal box. After scanning the records for addresses and phone numbers which appeared suspect, we identified another 16 people whose TINs appeared valid. The IRS later confirmed that these TINs were all assigned to people located in the States. In short, our initial investigation has revealed 53 persons who fraudulently obtained Guam drivers licenses, all of which appear to be associated with Lee.

We ran a TECS check on all of these people. They are all Koreans, most of whom entered through the Visa Waiver program and overstayed. The records reflect that 26 are still in this country.

Following is a summary of the documents scanned onto the DVDs which are enclosed.

1) **05INVEST 00001 - 00375** are the reports and documents concerning the 2005 investigation. Many of the documents relate to her employment with UOG, and bank records. Of particular relevance to the present charge is:

- 00252, the ITIN letter which Lee gave Chun at the time Chun received her license;
- 00047, Lee's initial confession when she was arrested November 8, 2005'
- 00058, the interview with William Limtiaco, a fireman who ran a part-time driving school. Lee paid him \$150/person to certify he had passed her clients, when in fact they had not received the full training required to safely drive a vehicle. On many of the application forms, you will see the notation "Wheels." This is Limtiaco's school.

2) **07INVEST 00001 - 00445** are the reports and documents concerning the 2006-07 investigation. The categories are as follows:

- 00001-00057, the driver's license applications associated with Eun Young Lee;
- 00058-00101, the statements of various listed witnesses;
- 00102-00149, Lee's confession and the applications which she admitted sponsoring;
- 00150-00159, subpoenas for handwriting exemplars of various examiners;
- 00160-180, samples of applications for legitimate holders of TINs
- 00181-271, interviews of Dong Pyo HONG, grand jury testimony of You Soon KIM, Kil Ja LEE and Jin Woo PARK.
- 00218-285, interviews of Marcelino Laserna on 6/21/07, 1/9/08, 1/17/08, copies of the fraudulent applications he identified as having processed; guilty plea of Seung Pill CHOI, interview of Jae Hoan SEOK, plea agreement of SEOK, and plea and judgment against HONG. Also included is 00430-434, interview of Laserna on 1/25/08;

- 00286-292 and 416-445, interviews of Joseph Pangelinan and copies of the applications he identified as having processed;
- 00293-301, interviews of Francisco Kawamoto and copies of the applications he identified as having processed;
- 00302-304 & 00435-443, interviews of John Duenas on 1/9/08 and 1/29/08, copies of the applications he identified as having processed, plea agreement and judgment and grand jury testimony of You Soon KIM;
- 00359-261, interview of Margaret Untalan 11/28/07;
- 00362-400, interview of Mary Garcia, plea agreement and interview of Kil Ja LEE, interview and judgment of Jin Woo PARK;
- 00401, copy of 11 GCA 1103;
- 00402, possible new fraud cases concerning the use of Guam Rev & Tax ITINs to secure driver's licenses.

3) **MVD DEF0001 - 0026** is the investigative summary of all the suspected fraudulent licenses, some of which turned out to be legitimate, the Customs & Border Patrol TECs summary of their status (i.e., whether in the country as an overstay, whether they have departed for Korea, etc.) **MVD DEF00037-915** are the driver's license records & information on each of the people we've identified so far who have obtained false licenses. Each file contains:

- the application;
- a copy of the Wheels certificate if applicable;
- the MVD computer data on that individual;
- the Treasury Enforcement Computer (TECs) printout showing the individual's arrivals and/or departures;
- the IRS data indicating the status of the TIN used to secure the license;
- a copy of the false TIN letter which Lee gave to our informant (# 20).

4) **MVD CPU 00001 - 00241** are the various computer runs used to identify the individuals who fraudulently secured driver's licenses, and various data summaries. Note in particular **00125 - 00135**, which is the printout of the MVD computer's history. These records were used to identify the examiner who first accepted the application. **00155-241** are copies of applications which were based upon legitimate TINs. Note document # **00162**. This is a copy of the type of ITIN which IRS was using until 2004.

5) **IRS DATA00001 - 00326** are the various applications, orders and data provided by the IRS. The status of each ITIN is included in the Timeline Summary.

6) **LAW0001 - 00019** contains the various MVD regulations concerning the use of original ITIN and SS cards to verify the status of the applicant.

Document 05INVEST00252 is the false ITIN letter which Lee created for our informant, Sang Mee Chun. In her December 14, 2007, confession Lee said that after the applications had been submitted using the false TIN letters, she gave each of her customers the TIN letter she had

used for the application. We have been able to recover one of those letters, which was provided by Jae Hoan SEOK, document # 07INVEST00264.

In addition, I'm enclosing the following:


- 1) A Timeline Summary of all this data, which makes it much easier to understand. For example, on February 20, 2004, at 1:20 p.m., Laserna (examiner # 26) processed an application from Sung Min SHIN (# 43), who listed a TIN of 936-72-6981, an address of A103 Airport Apt, and a mailing address belonging to Eun Young LEE, PO Box 11846. The TIN was false, in that it belonged to an individual named Soo Yon KIM. Shin's written test was scheduled for March 5, 2004. He went to MVD on March 10, 2004, and was issued license # 122 809 6863.
- 2) A color copy of what a real IRS TIN letter looked like during the time in question. Note the perforated card at the bottom is printed in green ink, which is frequently referred to by various examiners during their interviews.
- 3) A copy of the TIN notification letter which IRS began using in early 2004. The IRS went to secure bond paper with "VOID" imprinted in it, so that a copy would be obvious.

I know this is a lot to digest. Please let me know if I can explain the documents further.

Sincerely,

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:


KARON V. JOHNSON
Assistant U.S. Attorney



U.S. Department of Justice

United States Attorney
District of Guam

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March 3, 2008


MAR 03 2008

Richard Arens
Federal Public Defenders Office
Suite 501, FHB Building
400 Route 8
Maite, GU 96910

Re United States v. Eun Young Lee, Cr. No. 06-00058

Dear Richard,


I am enclosing the FBI's final 302s concerning the interviews of Laserna and Pangelinen; they don't differ from the drafts formerly provided. In addition, I'm providing the FBI 302s on:

- 1) Mi Young IN concerning how she caused Jae Hoan SEOK to contact Lee about a driver's license (07INVEST 00458-59);
- 2) Interview of Sang Ho KIM (# 15) concerning his paying Lee \$300 for a license (07INVEST 00460-61).

Sincerely,

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:


KARON V. JOHNSON
Assistant U.S. Attorney



U.S. Department of Justice

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March 12, 2008

Richard Arens
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Maite, Guam 96910


MAR 12 2008

Re United States v. Eun Young Lee, Cr. No. 06-00058

Dear Richard,

I am enclosing the guilty pleas of two more people who purchased driver's licenses: Myung Sug Kim (# 63) (07INVEST00468-475), and Jung Soo Yang (# 71) (07INVEST00462-468). Kim is set for sentencing June 4, 2008, and Yang for June 5, 2008. Both will be witnesses in the trial against Lee and her confederates.

Sincerely,

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:


KARON V. JOHNSON
Assistant U.S. Attorney